

**COMMISSION ON TECHNOLOGY
e-COURT SUBCOMMITTEE
GJ COURTS SUBTEAM
MEETING SUMMARY**

July 27, 2010
11:00 a.m. – 12:30 p.m.

State Courts Building Room 106

MEMBERS PRESENT

Kent Batty
Justice Andrew Hurwitz, *chair*
Karl Heckart
Michael Jeanes

GUESTS PRESENT

Steve Ballance
Judge Jan Kearney
Chris Kelly
Patti Noland
Rich McHattie
Myron Pecora
David Stevens

MEMBERS ABSENT

Judge Norman Davis
Judge Robert Brutinel

AOC STAFF PRESENT

Stewart Bruner, *ITD*
Melinda Hardman, *CSD*
Jim Price, *ITD*
Amy Wood, *CSD*

WELCOME AND MEETING PURPOSE

Justice Hurwitz had participants introduce themselves then described the purpose of the meeting as discussing concerns raised in previous conversations, including those about implementation of AZTurboCourt in Pima Superior Court. Kent Batty added that the meeting was not intended to express disagreement, but to determine what AZTurboCourt expects and how much room exists for accommodating local practices.

ISSUE -- ACCOMMODATING LOCAL PROVISIONS/POLICIES FOR PUBLIC ACCESS TO DOCUMENTS

Representatives from Pima Superior Court stated that their local rule prohibits access to family court data or documents until papers are served or for 45 days after the initial filing. Judge Kearney explained the reasoning of the Family Law Civil Rules Committee in granting presiding judges authority over the timeline for gaining access to these records. The discussion focused on options to maintain the local standard on the AOC public access system. Karl Heckart stated that nothing has to be decided immediately, but the easiest solution would be to apply the same rule to the data coming to the AOC for all contributing courts, not just Pima. Members agreed that Rule 123 does not require instant access and that the possibility exists of having differing time periods for access to paper at an individual court than for electronic remote access through the AOC. Justice Hurwitz suggested a work group address similar issues in other case types as they arise. He reminded everyone that a case may be sealed to prevent public access in the better interest of a party or victim.

Concern was raised about access to scanned documents not filed in AZTurboCourt. Karl explained that AZTurboCourt does not store any documents itself, but calls a central case index which in turn calls either the central document repository or the individual Pima and Maricopa document management systems to fulfill requests for specific documents. All documents are available in the listing regardless of whether they were e-filed or scanned by the clerk. Karl explained how, through the Enterprise Service Bus (ESB), AZTurboCourt could be pointed directly to Pima rather than to the central repository. The “get document” function is working for Maricopa documents today without the existence of the central repository.

In response to a question, Amy Wood explained that TurboCourt’s design doesn’t contemplate a non-filer registering for the purpose of viewing documents. Pima representatives were concerned that this limitation provides an unfair advantage to e-filers over conventional filers, like incarcerated parties. Justice Hurwitz stated that nothing prevents Pima and Maricopa from providing local access separately from the AOC.

ISSUE– REQUIREMENTS FOR CLERK AND JUDGE REVIEW COMPONENTS

Justice Hurwitz summarized a critical issue relating to clerk review -- being able to assure lawyers that they will not be penalized for the time it takes the clerk to accept a submittal. The clerks present explained how they review filings for completeness in order to prevent judges from spending time and energy dealing with missing items later in the process. Michael Jeanes stated that the rule of thumb is not more than 8 business hours between receipt and the judge’s inbox. Discussion focused on the implications of placing filings in “pending” status as well as the details of the financial transactions required for filings that are later deemed unacceptable. A process will be put in place that allows space within clerk review for contact with the filer before posting and accommodates vacated cases. Concern was expressed that lawyers could knowingly file an incomplete set of documents just to meet a deadline since the clerk would provide additional time to complete the set without penalty. Clerk Patti Noland volunteered to meet with AOC representatives to iron out the details of the workflow for incomplete filings.

ISSUE– HANDLING BULK DATA REQUESTS

Bulk data request issues fall under public access rather than AZTurboCourt. Karl reminded Pima and Maricopa representatives that the issue got hashed out 10 years ago for AZTEC courts. They are confronting the same issues now due to their case data being contributed to the central repository. Justice Hurwitz reiterated that nothing prevents a bulk data requestor from approaching the individual court rather than the AOC.

ISSUE– ACCESS TO IMAGES OF DOCUMENTS NOT E-FILED

This issue was addressed as part of the local access provision discussion earlier in the meeting.

ISSUE– ACCESS TO CRIMINAL CASE DOCUMENTS IN AZTURBOCOURT

This issue was addressed as part of the local access provision discussion earlier in the meeting.

ISSUE– USE OF DIGITALLY REPRODUCED SIGNATURE RATHER THAN /S/

Judge Kearney raised the issue, explaining the importance of obtaining widespread acceptance from users of the e-filing system and that her office fields calls about whether /s/ or unsigned documents issued by other courts are really official. Patti Noland added that other government entities hold much higher standards for “official” documents than do the courts. AOC technical representatives agreed that judges have the ability to affix a facsimile signature to a document which will be reflected on the version displayed by TurboCourt in the document list for a case. A later conversation will need to be held about whether specific documents that require more than /s/ to be accepted as official.

WRAP UP/NEXT STEPS

Justice Hurwitz concluded the meeting by thanking those present for working so well together on so many issues for so long. He acknowledged that our need to implement AZTurboCourt may have led to some difficult timelines, but asked for continued cooperation, coordination, and communication.

The meeting adjourned at 12:45 p.m.